

ORIGINAL

RHF
CMUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHERYL DENNIS-BRELAND,

CV 04 3650 (FB)(CLP)

Plaintiff,

- against -

FIRST UNUM LIFE INSURANCE COMPANY, UNUM
PROVIDENT CORPORATION, and SAINT
VINCENT'S CATHOLIC MEDICAL CENTERS OF
NEW YORK, CATHOLIC MEDICAL CENTER OF
BROOKLYN and QUEENS, INC.

STIPULATION

P. J. C. 2005
U.S. DISTRICT COURT
★P.W.
TIME ALIVE

Defendants.

WHEREAS, First Unum Life Insurance Company ("First Unum") has implemented a reassessment program under which it will offer to reassess the claims of certain claimants whose claims for long-term disability benefits were denied or whose benefits were terminated; and

WHEREAS, plaintiff, if eligible, intends to request that First Unum reassess her claim; and

WHEREAS, as a condition to participation in the planned reassessment program, First Unum may require plaintiff to take such action as is necessary to obtain a stay of litigation; and

WHEREAS, this action would be rendered moot in the event plaintiff's claim, upon reassessment, is paid; and

WHEREAS, plaintiff wishes to suspend the prosecution of this action pending determination of her claim's eligibility for reassessment and, if eligible, pending reassessment of her claim; it is hereby

STIPULATED, subject to the Court's approval, that all proceedings in this action are stayed pending determination of whether plaintiff's claim is eligible for reassessment, and if so, reassessment of her claim; and it is further

STIPULATED, that if upon reassessment, the denial of plaintiff's claim is reversed and the claim is paid in full, this action shall be dismissed with prejudice; and it is further

STIPULATED, that if upon reassessment, the denial of plaintiff's claim is reversed in part, this action shall be dismissed with prejudice to the extent of such reversal, and plaintiff, if she deems it appropriate to do so, may continue this action with respect to the remainder of her claim; and it is further

STIPULATED, that in the event that the reassessment of plaintiff's claim is not completed within a time period deemed satisfactory by the plaintiff (in no event less than 90 days) she may at her option, lift and remove the stay of this action upon five days written notice to defendant's attorneys; provided, however, that plaintiff's eligibility for reassessment, if any, terminates with the issuance of any such written notice to lift and remove the stay of this action.

Dated: May 11, 2005

ARGYROPOLOUS & BENDER

By: 

John L. Russo, Esq. (JR6200)
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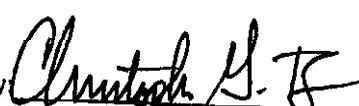
~~SO ORDERED:~~

~~United States District Judge~~

5/24/05

THE CLERK SHALL ADMINISTRATIVELY CLOSE
THIS CASE WITHOUT PREJUDICE.

BEGOS & HORGAN, LLP

By: 

Christopher G. Brown, Esq. (CB7755)
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TOTAL P.04